

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

Equal Employment Opportunity)
Commission) **CV-05-S-1090-M**
Plaintiff,)
vs.)
TYSON FOODS, INC., a Delaware)
corporation)
Defendant.)
CONSENT DECREE)

The Equal Employment Opportunity Commission (“EEOC” or “Commission”) filed this action against Tyson Foods, Inc. (“Tyson” or “Defendant”) on May 26, 2005, in this Court, to enforce Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.* (Title VII) and the Civil Rights Act of 1991, 42 U.S.C. §1981a. In the Complaint, the Commission alleged that Tyson discriminated against and harassed Sheena Cranford (“Cranford”) on the basis of sex, female, and constructively discharged Ms. Cranford after she complained about the discrimination, in violation of Title VII.

Tyson denies all allegations of unlawful or wrongful conduct raised in the complaint, and nothing stated in this Decree constitutes an admission of liability or wrongdoing on the part of Tyson.

The Parties do not object to the jurisdiction of the Court over this action and waive their rights to a hearing and the entry of findings of fact and conclusions of law. Venue is appropriate in the Northern District of Alabama (Middle Division). The parties agree that

this Consent Decree is fair, reasonable, and does not violate the law or public policy. The rights of Cranford, Tyson, and the Commission, are protected adequately by this Decree.

In the interest of resolving this matter, and avoiding the expense of further litigation, and as a result of having engaged in comprehensive settlement negotiations, the Commission and Tyson have agreed that this action should be finally resolved by entry of this Consent Decree.

It is ORDERED, ADJUDGED AND DECREED:

1. This Decree resolves all claims arising out of the issues between the Commission and Defendant Tyson in this lawsuit, including without limitation, back pay, compensatory and punitive damages, injunctive relief, costs, and attorney fees. This Decree is limited in its scope to matters covered explicitly herein and in particular only the Tyson processing plant in Albertville, Alabama. This Decree expires when Tyson has provided the relief and taken the action provided for herein, or as provided under Paragraph 12 of this Decree, whichever is later.

2. Defendant and its officers, agents, employees, successors, and assigns both at the time that this Decree becomes effective and for the duration of this Decree agree and acknowledge that it is unlawful to: (a) discriminate against any employee on the basis of sex, (b) harass any employee based on sex; (c) retaliate against any employee because he or she: (i) opposes or opposed discriminatory practices made unlawful by Title VII; (ii) files or filed a charge of discrimination or assists, assisted, participates, or participated in the filing of a charge of discrimination; or (iii) assists, assisted, participates or participated in an investigation or proceeding brought under the federal or state laws prohibiting discrimination or retaliation; and (d) alter the terms and conditions of any employee's employment because of sex to the extent required by Federal law.

MONETARY RELIEF

3. Tyson shall pay, by check or money order, the total amount of \$58,000.00 within ten (10) days from the date of the entry of this Decree, to Sheena Cranford. Tyson will not condition the receipt of individual relief on Ms. Cranford's agreement to

maintain as confidential the terms of this Decree. Tyson will issue applicable United States Internal Revenue Service Forms to Ms. Cranford for all such payments on or before January 31, 2007.

4. The payment provided for in paragraph 3 of this Decree shall be mailed directly by Tyson attorney to Ms. Cranford's attorney, Jeffrey B. Carr, at Mr. Carr's business address. Within three (3) business days of the issuance of the checks, Tyson shall submit a copy of the checks and related correspondence to the United States Equal Employment Opportunity Commission, Regional Attorney, Birmingham District Office, 1130 22nd Street South, Suite 2000, Birmingham, Alabama, 35205-2886.

OTHER RELIEF

5. Defendant represents that it has instituted and will continue to carry out policies and practices and bilingual employee orientation and training at its Albertville, Alabama facility that help assure a work environment free from sex-based discrimination, harassment and retaliation for its employees; that allow employees to raise concerns or complaints without retaliation about matters, whether alleged, perceived or actual, made unlawful by Title VII; and that provide procedures for employees to report incidents of sex-based discrimination, and harassment.

6. Defendant has represented that its current written policies include, and will continue to include, at a minimum:

a. A clear and strong commitment to a workplace free of sex-based discrimination, harassment and retaliation;

- b. A clear and strong message of encouragement to persons who believe they have been discriminated against to come forward
- c. A description of the consequences, up to and including termination, that will be imposed upon violators of the policy
- d. An assurance of non-retaliation for persons who believe they have been discriminated against and for witnesses;
- e. That discrimination on the basis of sex by anyone, including management officials, supervisors, vendors, suppliers, third parties and customers, is prohibited and will not be tolerated;
- f. The identification of specific alternative individuals, including managers with their telephone numbers, to whom employees who have been subjected to sex-based discrimination, harassment or retaliation can report the discrimination and who have the authority to investigate allegations of discrimination in a neutral and confidential manner;
- g. A written statement that an employee may report the harassment to a designated person outside of his or her chain of management should the employee prefer to do so;
- h. Assurances that Defendant will investigate allegations of sex-based discrimination, harassment and retaliation promptly, fairly, reasonably, effectively and as confidentially as possible under the circumstances, by appropriate investigators and that appropriate corrective action and appropriate follow-up will be taken by Defendant to make victims whole and to eradicate the discrimination; and
- i. Information regarding the employee's right to file a charge of discrimination with the EEOC, including contact telephone numbers, TDY/TDD and addresses for the EEOC.

- 7. Within sixty (60) days following the date of entry of this Decree, Defendant will provide additional training at its Albertville, Alabama facility to Albertville, Alabama Human Resource managers and all managers who may investigate employee complaints at Defendant's Albertville, Alabama both specific to the allegations in this

matter and generally, which shall explain:(1) what constitutes sex-based discrimination, retaliation, and harassment; (2) that Title VII prohibits this misconduct; (3) how to prevent this misconduct; (4) to whom employees may complain if they feel they have been subjected to this misconduct; and (5) that managers will be evaluated on their enforcement of Tyson's anti-discrimination policies. This training will also include an explanation of Tyson's policies regarding sex-based discrimination, harassment and retaliation; the importance of maintaining an environment free from harassment; and the discipline that may be taken against other employees and the managers or supervisors who are found to have allowed the harassment or retaliation to occur. Pursuant to this Decree, Tyson will also conduct this specific training on two more occasions; the second session will be in months 12-13 of the Decree and the third session will be in month 24 of the Decree. The following subparagraphs refer to each of the three training periods.

a. The training session shall be at least three (3) hours in length, plus an additional thirty (30) minutes for questions and answers. Defendant's Albertville, Alabama Human Resource managers and all managers who may investigate employee complaints at Defendant's Albertville, Alabama facility shall attend the training session. The referenced employees who are unable to attend the training session may watch a videotape of it.

b. Employees shall sign a registry when they attend the training session or watch the videotape of the training session. Defendant shall keep, for the duration of the Decree, this written record of all employees who attend the training session or watch it on videotape.

c. Tyson will confirm in writing to the EEOC Regional Attorney that this additional training has been completed in full compliance with the terms of this Decree. Within ten (10) days following its receipt, EEOC will confirm that this training requirement has been met or provide specific comments about how the training is not in compliance with the Decree. The parties would communicate to resolve any disputed issues on this training or, if necessary, have the court resolve the matter.

8. Tyson represents that its EEO policies are and shall continue to be posted in a prominent location, frequented by employees, at Defendant's facility in Albertville, Alabama. These policies shall also be distributed to each current employee at the Albertville, Alabama facility within thirty (30) days of the entry of the Decree, and distributed to all new employees at the Albertville, Alabama facility when hired.

9. Defendant shall promptly and appropriately investigate all complaints of sex-based discrimination, harassment or retaliation. The investigation must include a finding of whether discrimination occurred; a credibility assessment; interviews of all potential victims and witnesses identified; and concurrent notes of the investigation. Defendant shall take immediate appropriate corrective action to make discrimination victims whole, to discipline violators, and to eradicate the discrimination. Defendant, if corrective action was required as a result of the investigation, shall follow up with complainants at appropriate intervals to ensure that the harassment, discrimination or retaliation does not reoccur.

NOTICE

10. Defendant will post the Notice attached as Attachment A at each of Defendant's facilities in Alabama. The Notice will be posted in an appropriate place frequented by employees, for the duration of this Decree. The Notice, which shall be posted in both English and Spanish, shall be the same type, size, and style as Attachment A.

11. The parties shall bear their own attorneys' fees and costs incurred in this action up to the date of entry of this Decree.

FORCE AND EFFECT

12. The duration of this Decree shall be twenty-four (24) months from its entry. This Court shall retain jurisdiction over this action for the duration of the Decree, during which the Commission may petition this Court for compliance with this Decree.

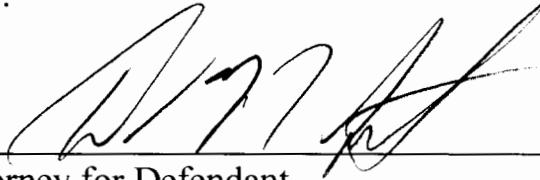
Should the Court determine that defendant has not complied with this Decree, appropriate relief, including extension of this Decree for such period as may be necessary to remedy its non-compliance, may be ordered. Absent extension, this Decree shall expire by its own terms at the end of twenty-four (24) months from the date of entry, without further action by the Parties.

13. The parties agree to the entry of this Decree subject to final approval by the Court.

APPROVED AND CONSENTED TO BY:

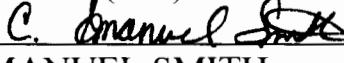


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ATTACHMENT A

NOTICE TO ALL EMPLOYEES OF TYSON FOODS, INC.

It is unlawful under federal law, Title VII of the Civil Rights Act and state law to discriminate against an employee on the basis of sex, including sexual harassment, in the recruitment, hiring, firing, compensation, assignment, or other terms, and conditions or privileges of employment. Sexual harassment includes unwelcome or offensive sexual advances or touching, requests for sexual favors, or other verbal or physical conduct directed at a person because of her/his sex. It is also unlawful to retaliate against any person because the person protested discriminatory practices or contacted the EEOC.

Tyson shall not discriminate against any employee on the basis of sex, including sexual harassment, and shall not retaliate against any employee for complaining about sexual discrimination or harassment.

If you believe you have been discriminated against or sexually harassed Tyson encourages you to report any concerns of harassment, discrimination or retaliation to any management official.

You also have a right to seek assistance from:

- (1) Equal Employment Opportunity Commission
1130 22ND Street South, Suite 2000
Birmingham, Alabama 35205-2886
Telephone: (205) 212-2148
TTY: (205) 212-2112
Website (national): www.eeoc.gov

You have the right to file a charge with the EEOC if you believe you are being discriminated against, retaliated against or sexually harassed.

No Retaliation Clause. It is against the law for any action to be taken against you by any supervisory or management official of Tyson for: (1) opposing sexual harassment or other discriminatory practices made unlawful by federal or state law; (2) filing a charge or assisting or participating in the filing of a charge of discrimination; or (3) assisting or participating in an investigation or proceeding brought under Title VII. Should any such retaliatory actions be taken against you, you should immediately contact the EEOC at the addresses or telephone numbers listed above.